

**DISTRICT COURT, WATER DIVISION 1, COLORADO
AUGUST 2024 WATER RESUME PUBLICATION**

TO: ALL PERSONS INTERESTED IN WATER APPLICATIONS IN WATER DIV. 1

Pursuant to C.R.S. 37-92-302, you are notified that the following is a resume of all water right applications, and certain amendments filed in the Office of the Water Clerk during the month of **AUGUST 2024** for each County affected. (This publication can be viewed in its entirety on the state court website at: www.coloradojudicial.gov)

CASE NO. 2024CW9 LAVERNNE FLITNER ESTATE, 1425 Harvest Rd., Brighton, CO 80603. (720) 334-3609. **APPLICATION FOR UNDERGROUND WATER RIGHTS IN THE DEVER BASIN AQUIFERS IN ADAMS COUNTY**. Applicant owns separate parcels of land and request that this Court determine that Applicants have the right to withdraw all of the legally available groundwater lying below all of the subject parcels of land. All of the parcels of land claimed in this application are contiguous. The parcel of land consists of 80 acres, more or less in Adams County, located generally in S20, T1S, R65W of 6th PM, in Adams County. The claim of Applicant to the water underlying the parcel described is based on ownership of the parcel. Applicant seeks to adjudicate the Denver Basin ground water underlying the Subject Property in all of the available aquifers. Applicant certifies that Applicant owns the Subject Property free and clear of all liens and encumbrances and that no other person or entity has a financial interest in the Subject Property. There are no wells located on the property.

CASE NO. 2024CW3116 T3 LAND & INVESTMENT LLC, P.O. Box 384, Brush, CO 80723. **APPLICATION FOR SIMPLE CHANGE IN SURFACE POINT OF DIVERSION PURSUANT TO § 37- 92-305(3.5), C.R.S. IN MORGAN COUNTY**. All correspondence and pleadings should be sent to undersigned counsel for the Applicant: James S. Witwer and Natalie C. Boldt, Davis Graham & Stubbs LLP, 1550 17th Street, Suite 500, Denver, CO 80202, Phone Number: (303) 892-9400. 2. Summary of Application: T3 is the owner of a decreed appropriative right of exchange water right for which the upstream exchange “to” point (i.e., the point of diversion by exchange) is the headgate of the Upper Platte and Beaver Canal (“Canal”). At the time such appropriative right was initially adjudicated and later made partially absolute, the Canal’s headgate was located on the south end of a diversion dam that it shared with the Deuel and Snyder Ditch. That prior diversion dam spanned the South Platte River from the Deuel and Snyder’s headgate on the north bank diagonally across the river to the southeast to the Canal’s headgate on the south bank. Due to deterioration over time, the prior diversion dam was recently replaced. As described in the decree approving a simple change of diversion for the water rights of the Upper Platte and Beaver Canal Company (“UPBCC”) entered September 4, 2020 in Case No. 20CW3035, and the Notice of Commencement of Diversions at New Point of Diversion filed therein on June 17, 2021, UPBCC has removed the prior diversion dam and constructed a replacement structure that spans from the Deuel and Snyder’s existing headgate directly across the South Platte River. The configuration of the diversion dam from its prior diagonal orientation to perpendicular across the South Platte River resulted in the relocation of the Canal’s headgate upstream approximately 750 feet. Through this Application, T3 seeks a decree adjudicating a simple change in surface point of diversion pursuant to § 37-92-305(3.5), C.R.S., that will recognize the change in the point of diversion for T3’s water rights decreed to divert into the Canal upstream on the South Platte River at the location of the new headgate. T3 does not seek a change in type of use, change in amount of permitted diversions, or change in location of use of T3’s water rights. No change in point of diversion is sought for the Deuel and Snyder Ditch, and no change of any kind is sought for UPBCC’s water rights decreed to divert into the Canal. Diversions under T3’s water rights into the Canal remain subject to UPBCC’s consent.3. Name of structure: Upper Platte and Beaver Canal (Pinneo Surplus Credit Recycling Exchanges). 4. Legal description of structure as described in the most recent decree that adjudicated the location: Per the Decree entered in Case No. 03CW407, the headgate of the Canal was

located on the South Platte River in Morgan County, Colorado, at a point in the NW1/4 of the NE 1/4 of the NE 1/4 of Section 35, T4N, R58W, 6th P.M. The GPS location for that previously described structure is as follows: UTM Coordinates (NAD 83 Zone 13): Northing: 4458231; Easting: 614172. 5. Decreed water rights for which change is sought: The Canal is the decreed upstream exchange “to” point for the appropriative rights of exchange for the following water right: A. Pinneo Surplus Credit Recycling Exchanges, (i) Date of original and any relevant subsequent decrees: August 5, 2010, Case No. 03CW407, Water Court Division No. 1; March 7, 2024, Case No. 23CW3018, Water Court Division No. 1. (ii) Source: South Platte River; surplus recharge credits generated in excess of T3’s augmentation and replacement requirements under Paragraph 10(B)(2) of the decree entered in Case No. 03CW407, whether such surplus credits were originally delivered to recharge under water rights more particularly described therein as the Headley Recharge Project, Jackson Lake Rights, Booth Farm Well Right, additional sources approved pursuant to Paragraph 29 of such decree, any combination thereof, or under the decreed appropriative rights of exchange themselves. (iii) Appropriation Date: August 6, 2006. (iv) Amount: 0.45 c.f.s., absolute; and 9.55 c.f.s., conditional. (v) Use: Augmentation and replacement purposes. (vi) Amount being changed: 0.45 c.f.s., absolute; and 9.55 c.f.s., conditional. The appropriative rights of exchange described in this Paragraph 5(A) are hereinafter collectively referred to as the “Pinneo Water Right.” 6. Detailed description of proposed change in surface point of diversion: T3 seeks a simple change in point of diversion pursuant to § 37-92-305(3.5), C.R.S., for the Pinneo Water Right from the decreed point of diversion to a new location approximately 750 feet upstream on the South Platte River. A. Existing Decreed Point of Diversion: NW1/4 of the NE 1/4 of the NE 1/4 of Section 35, T4N, R58W, 6th P.M. The GPS location is as follows: UTM Coordinates (NAD 83 Zone 13): Northing: 4458231; Easting: 614172. B. New Point of Diversion: SW 1/4 of the SE 1/4 of Section 26, T4N, R58W, 6th P.M. The GPS location is as follows: UTM Coordinates (NAD 83 Zone 13): Northing: 4459030; Easting: 598933. C. The locations of the prior point of diversion and new point of diversion for the Pinneo Water Right is depicted on the map attached hereto as Exhibit A. 7. Compliance with Simple Change in Surface Point of Diversion Statute: Pursuant to C.R.S. § 37-92-305(3.5), the requested change in point of diversion of the Pinneo Water Right meets the statutory definition of a “simple change in a surface point of diversion.” A. There is no intervening surface point of diversion or inflow or decreed in-stream flow right reach between the decreed point of diversion and the new point of diversion for the Pinneo Water Right. B. No other changes to the Pinneo Water Right are requested herein and T3 will continue to use the water diverted under the Pinneo Water Right for the decreed uses, provided that T3 may continue to deliver water from its Jackson Lake Rights for redirection at the new point of diversion for the Canal subject to the requirements of Paragraphs 10(A)(2), 10(B)(1)(b)-(c), and 28(B)(3) of the decreed entered in Case No. 03CW407. C. The change in point of diversion will not result in the diversion of a greater flow rate or amount of water than has been decreed to the Pinneo Water Right and, without requantifying the Pinneo Water Right, is physically and legally available at the diversion point from which the change is being made. D. The proposed change will not injuriously affect the owner of or persons entitled to use water under a vested water right or a decreed conditional water right. 8. Name and address of owner or reputed owners of the land upon which any new diversion structure, or modification to any existing diversion structure is or will be constructed. Upper Platte and Beaver Canal Company, Steve Griffith, President, P.O. Box 205, Brush, Colorado 80723. (970) 842-2552.

CASE NO. 2024CW3117 (18CW3027), (11CW188), (96CW877). DISTRICT COURT, WATER DIVISION NO. 1, STATE OF COLORADO, Weld County Courthouse, 901 9th Avenue, Room 418, P.O. Box 2038, Greeley, Colorado 80631. **CONCERNING THE APPLICATION FOR WATER RIGHTS OF CHARLES G. AND SYNNEVE M. JONES IN PARK COUNTY, COLORADO. APPLICATION FOR FINDING OF REASONABLE DILIGENCE IN PARK COUNTY.** Applicants, Charles G. and Synneve M. Jones, by and through their attorney, Glenn E. Porzak of Porzak Law, LLC, files this Application seeking a Finding of Reasonable Diligence for the water rights described herein, and as grounds therefore states as follows: 1. Name and Address of Applicants: Charles G. and Synneve M. Jones, 701 7th Street, Boulder, CO. 80302. Copies of all pleadings to: Glenn E. Porzak, Porzak Law, LLC, 1111 Spruce Street, Suite 303, Boulder, Colorado 80302, (303) 589-0909. 2. Name of Structures: Jones Well #3, Jones

Well #4. 3. Description of Conditional Water Rights: a. Original Decree: Decreed by the District Court in and for Water Division No. 1 in Case No. 96CW877. b. Legal Descriptions of the Structures: Jones Well #3: SE1/4, SW1/4, Section 32, Township 13 South, Range 72 West, 6th P.M., at a point approximately 1150 feet from the South Section line and 1855 feet from the West Section line High Chapparral Ranch Subdivision, Ranger Station Addition, Lot 34, County of Park, State of Colorado. Jones Well #4: NE1/4, SE1/4, Section 32, Township 13 South, Range 72 West, 6th P.M., at a point approximately 1410 feet from the South Section line and 780 feet from the East Section line High Chapparral Ranch Subdivision, Ranger Station Addition, Lot 41, County of Park, State of Colorado. c. Source of Water: Groundwater. d. Date of Appropriation: Jones Well #3, December 30, 1996. Jones Well #4, December 30, 1996. e. Amount of Water: Jones Well #3: 0.033 cubic feet per second (15 gpm) conditional. Jones Well #4: 0.033 cubic feet per second (15 gpm) conditional. f. Uses: Household use in a single family dwelling, including irrigation of one acre of lawn and garden and the watering of domestic animals and livestock. Each of the wells are located on a 35 acre parcel, and the Court has previously determined that these wells are exempt from administration pursuant to C.R.S. § 37-92-602. 4. Owners of land on which the wells will be located: Applicants. 5. Detailed outline of work done to maintain diligence: Applicants have spent approximately \$215,000.00 during the subject diligence period to continue the development of the property on which the subject wells will be located. Such expenditures have included improvements and maintenance of existing structures, road improvements, installation of an entrance gate and internet system, fencing and wild fire mitigation on the property. Such work is a prerequisite to or assists in applying the subject conditional water rights to the beneficial use for which they are decreed. WHEREFORE, the Applicants request that this Court enter a decree which finds that reasonable diligence has been exercised for the subject conditional water rights and maintains these water rights in full force and effect.

CASE NO. 2024CW3118 COLORADO DIVISION OF PARKS AND WILDLIFE AND THE PARKS AND WILDLIFE COMMISSION, 317 W. Prospect Rd., Fort Collins, Colorado 80526. Please send all correspondence and inquiries regarding this matter to: Christopher Stork 720-508-6311, and Ema Schultz 720-508-6307, Office of the Attorney General, 1300 Broadway, 7th Floor, Denver, Colorado. **APPLICATION FOR FINDINGS OF REASONABLE DILIGENCE IN CLEAR CREEK COUNTY.**

1. Name, mailing address, e-mail address, and telephone number of applicant: Colorado Division of Parks and Wildlife (“CPW”), Attn: Pete Conovitz, Water Rights Program Administrator, 317 W. Prospect Rd., Fort Collins, Colorado 80526, 970-666-1365, pete.conovitz@state.co.us. **2. Name of structures:** Douglas Mountain Ranch Reservoir, Douglas Mountain Ranch Reservoir Collection System and Douglas Mountain Reservoir Exchange. **3. Applicant requests a finding of reasonable diligence for the conditional water right described as follows:** a. Name of structure: Douglas Mountain Ranch Reservoir, an off-stream reservoir. b. Original decree: Case No. 97CW394, entered on October 8, 2003, by the District Court in and for Water Division No. 1. c. Subsequent decrees awarding findings of diligence: Case No. 09CW159, entered on June 16, 2010, and Case No. 16CW3084 entered on August 24, 2018, by the District Court in and for Water Division No. 1. d. Legal Description: The reservoir will be located in the SE1/4 of Section 28 and the SW1/4 of Section 27, Township 3 South, Range 74 West of the 6th P.M. on the easterly portion of Government Lot 37, Section 28, Township 3 South, Range 74 West of the 6th P.M., Clear Creek County, Colorado and on the westerly portion of Government Lot 49, Section 27, Township 3 South, Range 74 West of the 6th P.M., Clear Creek County, Colorado, as such Governmental Lots are more fully described on the Supplemental Plat of said Sections 27 and 28 approved by the U.S. Surveyor General’s Office on September 25, 1922 and subsequently placed of record with the United States Department of Interior, Bureau of Land Management. This location is depicted on the map attached hereto as **Figure 1**. e. Source: Waters of Bard Creek and its tributaries located above the Douglas Mountain Ranch Reservoir including the waters of Bard Creek as diverted by the Douglas Mountain Ranch Reservoir Collection System (as described below). f. Appropriation date: December 31, 1997. g. Amount: 525 acre feet, conditional, for initial filling, and 525 acre feet, conditional, for refill right to be diverted to storage at rates up to 10.0 c.f.s. h. Reservoir dimensions: i. Maximum high water line surface area: Approximately 13 acres. ii. Total active storage capacity: 525 acre feet. iii. Dam height and length: Not applicable. Reservoir

will be constructed entirely below ground surface. i. Uses: Domestic, sanitary, irrigation, stockwatering, commercial, recreational (including fishery and wildlife), in-stream uses in streams artificially created by Applicant, artificial wetland creation and preservation, fire protection and the maintenance of adequate storage reserves. Applicant may use such water for: immediate application to beneficial uses; storage and subsequent application to beneficial uses; exchange purposes; and for the replacement or augmentation of diversions and depletions resulting from the use of water by Applicant on the proposed Douglas Mountain Ranch and Preserve Development. Applicant may use, re-use, and successively use such water to extinction. Approximately 58.4 acres are proposed to be irrigated by such rights. The lands proposed to be irrigated from the subject water rights include lands contained within the boundaries of the Applicant's land within the S1/2 of Sections 27 and 28, Township 3 South, Range 74 West of the 6th P.M. as such lands are depicted on the attached **Figure 1**.

4. Applicant requests a finding of reasonable diligence for the conditional water right described as follows: a. Name of structure: Douglas Mountain Ranch Reservoir Collection System, a surface diversion. b. Original decree: Case No. 97CW394, entered on October 8, 2003, by the District Court in and for Water Division No. 1. c. Subsequent decrees awarding findings of diligence: Case No. 09CW159, entered on June 16, 2010, and Case No. 16CW3084 entered on August 24, 2018, by the District Court in and for Water Division No. 1. d. Legal Description: The Collection System will begin at a point of diversion located on the east bank of Bard Creek at a point in the SE1/4 SW1/4 of Section 28, Township 3 South, Range 74 West of the 6th P.M., 1,400 feet from the west line and 900 feet from the south line of said section. As shown on the illustrative map attached hereto as **Figure 1**, this Collection System then proceeds in a generally easterly direction where it connects to a portion of the original course of the Coupon Ditch and then proceeds to the Douglas Mountain Ranch Reservoir. e. Source: Bard Creek. f. Appropriation date: December 31, 1997. g. Amount: 10 c.f.s., conditional. h. Uses: Domestic, sanitary, irrigation, stockwatering, commercial, recreational (including fishery and wildlife), in-stream uses in streams artificially created by Applicant, artificial wetland creation and preservation, fire protection and the maintenance of adequate storage reserves. Applicant may use such water for: immediate application to beneficial uses; storage and subsequent application to beneficial uses; exchange purposes; and for the replacement or augmentation of diversions and depletions resulting from the use of water by Applicant on the proposed Douglas Mountain Ranch and Preserve Development. Applicant may use, re-use, and successively use such water to extinction. Approximately 58.4 acres are proposed to be irrigated by such rights. The lands proposed to be irrigated from the subject water rights include lands contained within the boundaries of the Applicant's land within the S1/2 of Sections 27 and 28, Township 3 South, Range 74 West of the 6th P.M. as such lands are depicted on the attached **Figure 1**.

5. Applicant requests a finding of reasonable diligence for the conditional water right described as follows: a. Name of structure: Douglas Mountain Reservoir Exchange, an appropriative right of exchange. b. Original decree: Case No. 97CW394, entered on October 8, 2003, by the District Court in and for Water Division No. 1. c. Subsequent decrees awarding findings of diligence: Case No. 09CW159, entered on June 16, 2010, and Case No. 16CW3084 entered on August 24, 2018, by the District Court in and for Water Division No. 1. d. Description of exchange: Applicant may divert and store waters of Bard Creek by upstream exchange based upon releases of water from storage in Douglas Mountain Ranch Reservoir. Applicant may from time to time need to refresh the water in such reservoir with water from Bard Creek that would not otherwise be available for diversion without the operation of the exchange. Applicant would, for example, exchange less oxygenated water released from storage in the reservoir for the more oxygenated water from Bard Creek. The proposed exchange will operate from the reservoir release point on the West Fork of Clear Creek to its confluence with Bard Creek, and thence up Bard Creek to the point of diversion therefrom of the Douglas Mountain Ranch Reservoir and its Collection System. e. Diversion rate and appropriation dates: All waters will be exchanged at a maximum flow rate of 10 c.f.s., conditional. The date of appropriation of the proposed exchange is December 31, 1997. f. Uses: See paragraphs 3.i. and 4.h. above.

6. Outline of what has been done toward completion of this appropriation and application of water to beneficial use as conditionally decreed: a. CPW began its acquisition process of the property and subject water rights in May 2020 following receipt of a proposal from the previous owners and the Mountain Area Land Trust. CPW completed the purchase of the property and the subject water rights on December 21, 2021. b. With

that acquisition, in 2021, CPW created the Pals Family State Wildlife Area (“SWA”) and made the SWA available for wildlife-related public recreational use. Since the creation of the Pals Family SWA, CPW staff actively manages the property and routinely performs work on the property to maintain it for its intended purposes. c. Since acquiring the subject water rights, CPW staff has actively worked to determine how they may wish to develop the subject water rights on the property or whether the subject water rights may be used to benefit CPW’s other properties. CPW has conducted planning meetings regarding the subject water rights in July 2024 and August 2024. d. CPW performs monthly reviews of the water court resume to determine whether the filing of Statements of Opposition is necessary to protect its water rights in Water Division No. 1, including the subject water rights. CPW has incurred costs of attorney fees for legal advice and consultations regarding development of the subject water rights. **7. Integrated System:** As previously decreed in Case Nos. 97CW394, 09CW159 and 16CW3084, the subject conditional water rights are components of an integrated water supply system. As such, any diligence associated with one component of the system constitutes diligence on all components of the system. § 37-92-301(4)(a)(IV)(b), C.R.S. **8. Owner of land upon which the structures are or may be located:** Applicant, CPW; Ann and William Sparks, P.O. Box 132, Empire, CO 80439. WHEREFORE, CPW respectfully requests this Court enter a decree finding that CPW has exercised reasonable diligence in the development of the conditional water rights as described in this Application, so that such conditional water right may continue in full force and effect and for such other and further relief as this Court deems necessary. (6 pages)

CASE NO. 2024CW3119 THE OGILVY AUGMENTATION COMPANY, 8209 W. 20th Street, Suite A, Greeley, CO 80634. Please send all further pleadings to: Daniel K. Brown, Whitney Phillips Coulter, Fischer, Brown, Bartlett, Larsen & Irby, P.C., 1319 East Prospect Road, Fort Collins, CO 80525. **APPLICATION TO ADD MEMBER WELL IN CASE NO. 2003CW150 IN WELD COUNTY.** 2. Augmentation Plan: Applicant operates a plan for augmentation (“Ogilvy Plan”) decreed in Case No. 2003CW150, Water Division No. 1, entered on July 24, 2013 (“Ogilvy Plan Decree”). Paragraph 16.2.1 of the Ogilvy Plan Decree allows for the addition of Member Wells. 3. Wells to be added to the Ogilvy Plan Decree: The structures that are augmented in the Ogilvy Plan are listed on Exhibit A to the Ogilvy Plan Decree. Applicant proposes to add the gravel pit described in Well Permit No. 82986-F (East 8th Street Pit) into the Ogilvy Plan Decree as a structure to be augmented.

Well name	Owner	Permit	TwN	Range	Section	W(ft)	X(Ft)	T(gpd/ft)	Sy
East 8 th Street Pit	Ogilvy Irrigating and Land Company (75%) and H2 Investments, LLC (25%)	82986-f	5N	65W	S 1/2 of Section 4	11,000	600	120,000	0.2

The East 8th Street Pit will be operated, and all out-of-priority depletions replaced, in accordance with the terms and conditions of the Ogilvy Plan Decree. No decreed priorities are sought by this application. The Pit may only operate under the Ogilvy Plan so long as a valid well permit is in place. 4. Ownership: The East 8th Street Pit and the land on which it exists are owned by the Ogilvy Irrigating and Land Company, P.O. Box 419, Kersey, CO 80644-0419, Greeley, CO 80631 and H2 Investments, LLC, 2141 Montauk Lane, Unit 1, Windsor, CO 80550. (3 pages).

CASE NO. 2024CW3120 THE CITY AND COUNTY OF DENVER, ACTING BY AND THROUGH ITS BOARD OF WATER COMMISSIONERS (“Denver Water” or “Applicant”), 1600 West 12th Avenue, Denver, Colorado 80204. Jessica R. Brody, General Counsel, Daniel J. Arnold, James M. Wittler, Crystal J. Easom. **APPLICATION FOR FINDING OF REASONABLE DILIGENCE AND TO MAKE ABSOLUTE, CONCERNING THE APPLICATION FOR WATER RIGHTS OF THE CITY AND COUNTY OF DENVER, ACTING BY AND THROUGH ITS BOARD OF WATER COMMISSIONERS, IN THE SOUTH PLATTE RIVER AND ITS TRIBUTARIES IN DOUGLAS,**

JEFFERSON, ARAPAHOE, DENVER, BROOMFIELD, WELD, BOULDER AND ADAMS COUNTIES. Application fifteen (15) pages. 2. Name of Water Rights. 2.1. South Reservoir Complex South Platte Storage Right (“South Complex Storage Right”). 2.2. North Reservoir Complex South Platte Storage Right (“North Complex Storage Right”). 2.3. Collectively the South Complex Storage Right and North Complex Storage Right are referred to in this Application as the “North and South Complex Storage Rights.” 3. Description of the North and South Complex Storage Rights. 3.1. Decrees. 3.1.1. Original Decrees. The decree for the North and South Complex Storage Rights was entered on August 8, 2011, in Case No. 2001CW286 WD1, which was amended and modified by the decree entered in Case No. 2013CW3056 WD1 dated September 16, 2014. 3.1.2. List of all Subsequent Decrees Awarding Findings of Diligence. 3.1.2.1. Findings of Fact, Conclusions of Law, Judgment and Decree, 2017CW3119 (August 20, 2018). 3.2. Name and Description of Reservoirs. 3.2.1. The South Reservoir Complex. The South Reservoir Complex is comprised of two existing and operationally interconnected gravel pit storage vessels currently designated as Bambei-Walker Reservoir and Welby Reservoir. The two storage vessels are connected by a pipeline allowing the reservoirs to be operated as an integrated unit. In 2013, Denver Water renamed Cat Reservoir as Welby Reservoir and Miller Dam and Reservoir as Bambei-Walker Reservoir. The South Reservoir Complex is located on the east and west side of the South Platte River between I-270 and I-76. Water may be diverted to Bambei-Walker Reservoir at the Burlington Ditch headgate or from the Metro Wastewater Reclamation District Robert W. Hite Treatment (“Metro”) South Platte River Outfall. A portion of the water stored in Bambei-Walker Reservoir can be released to the South Platte River through a gravity flow outlet located in the west embankment of Bambei-Walker Reservoir. The primary outlet for water stored in the South Reservoir Complex is through the pump station constructed in the east bank of Welby Reservoir. The configuration of the storage vessels and operational facilities at the South Reservoir Complex is shown on **Exhibit A**. 3.2.2. The North Reservoir Complex. The North Reservoir Complex is comprised of the Howe-Haller A Reservoir, Howe-Haller B Reservoir, Hazeltine Reservoir, Dunes Dam and Reservoir and Tanabe Reservoir as further described herein. The North Reservoir Complex is located adjacent to and east of the South Platte River between 108th and 120th Avenues. Water is diverted to the North Reservoir Complex at the Fulton Ditch headgate. The Fulton Ditch was lined with concrete and enlarged by up to 300 cfs for the purpose of carrying water to the complex. Water will be pumped from a pump station located in Hazeltine Reservoir to Dunes Dam and Reservoir and Tanabe Reservoir. All five vessels are connected by pipelines so that they function as an integrated unit. Water stored at the complex will be released to the South Platte River through the outlet constructed on the north embankment of Hazeltine Reservoir either by gravity or by pumping. The current configuration of the North Reservoir Complex is shown on **Exhibit A**. 3.3. Appropriation Date. December 28, 2001. 3.4. Source of Water. South Platte River and streams and wastewater tributary thereto. 3.5. Use. The water diverted under the water rights decreed herein will be stored and then used by exchange or directly for non-agricultural irrigation, commercial, industrial and all municipal uses, including, but not limited to, domestic, mechanical, manufacturing, industrial, power generation, fire protection, sewage treatment, street sprinkling, irrigation of parks, lawns, grounds and open spaces, recreation, piscatorial, maintenance and preservation of wildlife and aesthetic values, lake and reservoir evaporation, augmentation and/or replacement, and maintenance of adequate storage reserves. Such water may be fully consumed by direct use, storage and subsequent release, and by reuse, successive use, further exchange and disposition, subject to the terms and conditions of this Decree. 3.6. South Reservoir Complex. 3.6.1. South Complex Storage Right Amount. 2,400 acre-feet, for the South Reservoir Complex, with the right to refill up to 2,400 acre-feet, subject to the carryover storage rule set forth in paragraph 33 of the decree entered in Case No. 2013CW3056 WD1. The individual storage vessels of the South Reservoir Complex are interconnected and can be operated as a contiguous storage unit. 3.6.2. Legal Description of South Reservoir Complex Vessels. 3.6.2.1. Welby Reservoir. Welby Reservoir is an off-channel reservoir located adjacent to the South Platte River in the E1/2 of the NW1/4, SE1/4 of the NW1/4, and the N1/2 of the SW1/4 of Section 1, T3S, R68W of the 6th P.M., Adams County, Colorado. 3.6.2.2. Bambei-Walker Reservoir. Bambei-Walker Reservoir is an off-channel reservoir located between the Burlington Ditch and the South Platte River in the S1/2 of the NE1/4, NE1/4 of the SE1/4, NW1/4 of the SE1/4, SW1/4 of the SE1/4 of Section 1, T3S, R68W, 6th P.M., Adams County, Colorado.

3.6.3. Points of Diversion for the South Reservoir Complex. 3.6.3.1. The Headgate of the Burlington Ditch and Approach Channel. The Burlington Ditch approach channel, which diverts and delivers water to the original Burlington headgate is located on the east bank of the South Platte River, in the NE1/4 of the SW1/4, Section 14, T3S, R68W, 6th P.M., in Adams County, Colorado, 2,456 feet east of the west line of the southwest quarter and 2,347 feet north of the south line of said southwest quarter of Section 14. 3.6.2. Metro Pump Station. The Metro Pump Station is located near the Metro South Platte River Outfall. The Metro Pump Station diverts treated water from the wastewater treatment plant effluent stream at two points, both of which are located in the NE1/4 of the NW1/4, Section 12, T3S, R68W, in the 6th P.M., in Adams County, Colorado, approximately 90 feet from the north section line and 1,440 feet from the west section line. The Metro Pump Station diverts treated wastewater from Metro before it reaches the South Platte River. 3.6.4. Current capacity of ditches or pipelines used to fill the South Reservoir Complex. 3.6.4.1. Burlington Ditch, a maximum of 50 cfs. 3.6.4.2. Metro Pump Station, a maximum of 50 cfs. 3.6.5. Capacities of South Reservoir Complex vessels. The South Reservoir Complex vessels are complete and operational, and have the following capacities: 3.6.5.1. Bambei-Walker Reservoir. (1) Total Capacity: 2,057 acre-feet. (2) Active Capacity: 1,895 acre-feet. (3) Dead Storage: 186 acre-feet. (4) Approximate Surface Area at the High Water Line: 65 acres. (5) Maximum Depth: 41 feet. 3.6.5.2. Welby Reservoir. (1) Total Capacity: 1,496 acre-feet. (2) Active Capacity: 1,349 acre-feet. (3) Dead Storage: 147 acre-feet. (4) Approximate Surface Area at the High Water Line: 64 acres. (5) Maximum Depth: 32 feet. 3.6.5.3. South Reservoir Complex Totals. (1) Total Capacity: 3,553 acre-feet. (2) Total Active Capacity: 3,244 acre-feet. (3) Total Dead Storage: 333 acre-feet. 3.6.6. South Complex Storage Right – Amounts Made Absolute in Prior Proceedings and Amounts Remaining Conditional. Initial Fill: Absolute: 2,400 acre-feet, Total: 2,400 acre-feet. Refill: Absolute: 35 acre-feet. Conditional: 2,365 acre-feet. Total: 2,400 acre-feet. 3.7. North Reservoir Complex. 3.7.1. North Complex Storage Right Amount. 17,747 acre-feet, for the North Reservoir Complex, with the right to refill up to 17,747 acre-feet, subject to the carryover storage rule set forth in paragraph 33 of the decree entered in Case No. 2013CW3056 WD1. The individual storage vessels of the North Reservoir Complex are interconnected by pipelines and may be operated as a contiguous storage unit. Water delivered from the Fulton Ditch into Howe-Haller A Reservoir, Howe-Haller B Reservoir and Hazeltine Reservoir can be further delivered to Dunes Dam and Reservoir and Tanabe Reservoir. 3.7.2. Legal Description of North Reservoir Complex Vessels. 3.7.2.1. Howe-Haller A Reservoir. Howe-Haller A Reservoir is located in the E1/2 of the NW1/4 and W1/2 of the NE1/4 of Section 9, T2S, R67W, 6th P.M., Adams County, Colorado. 3.7.2.2. Howe-Haller B Reservoir. Howe-Haller B Reservoir is located in the SW1/4 of the SW1/4 in Section 3; the SE1/4 of the SW1/4 and S1/2 of the SE1/4, in Section 4; and the NE1/4 of the NW1/4 and the NE1/4 in Section 9 of T2S, R67W, 6th P.M., Adams County, Colorado. 3.7.2.3. Hazeltine Reservoir. Hazeltine Reservoir is located in the NW1/4, N1/2 of the SW1/4 and W1/2 of the NE1/4 of Section 3; and in the NE1/4 and N1/2 of the SE1/4 of Section 4, T2S, R67W of the 6th PM, Adams County, Colorado. 3.7.2.4. Dunes Dam and Reservoir. Dunes Dam and Reservoir is located in the SW1/4 of the NW1/4, and NW1/4 of the SW1/4 of Section 2 and in the E1/2 of the SW1/4, SE1/4, and S1/2 of the NE1/4 of Section 3, T2S, R67W of the 6th P.M., Adams County, Colorado. 3.7.2.5. Tanabe Reservoir. Tanabe Reservoir is located in the NW1/4 of Section 10, T2S, R67W, 6th P.M., Adams County, Colorado. 3.7.3. Points of Diversion for the North Reservoir Complex. The headgate of the Fulton Ditch as it currently exists is located on the east bank of the South Platte River in the NE1/4 of the SE1/4, in Section 17, T2S, R67W, 6th P.M., Adams County, Colorado, at a point approximately 2,815 feet south and 145 feet west of the NE corner of said Section. 3.7.4. Current capacity of ditches or pipelines used to fill the North Reservoir Complex. The enlarged portion of the Fulton Ditch has a current capacity of 300 cfs. 3.7.5. Capacities of North Reservoir Complex vessels. Denver Water anticipates that the vessels will have the following capacities, subject to modification. 3.7.5.1. Howe-Haller A Reservoir. (1) Total Capacity: 1,718 acre-feet approximately. (2) Active Capacity: 1,718 acre-feet approximately. (3) Dead Storage: 0 acre feet approximately. (4) Approximate Surface Area at the High Water Line: 48 acres approximately. (5) Maximum Depth: 54 feet approximately. 3.7.5.2. Howe-Haller B Reservoir. (1) Total Capacity: 4,490 acre-feet approximately. (2) Active Capacity: 4,490 acre-feet approximately. (3) Dead Storage: 0 acre feet approximately. (4) Approximate Surface Area at the High Water Line: 170 acres approximately. (5)

Maximum Depth: 48 feet approximately. 3.7.5.3. Hazeltine Reservoir. (1) Total Capacity: 5,626 acre-feet approximately. (2) Active Capacity: 5,626 acre-feet approximately. (3) Dead Storage: 0 acre feet approximately. (4) Approximate Surface Area at the High Water Line: 240 acres approximately. (5) Maximum Depth: 46 feet approximately. 3.7.5.4. Dunes Dam and Reservoir. (1) Total Capacity: 5,246 acre-feet approximately. (2) Active Capacity: 5,246 acre-feet approximately. (3) Dead Storage: 0 acre feet approximately. (4) Approximate Surface Area at the High Water Line: 131 acres approximately. (5) Maximum Depth: 42 feet approximately. 3.7.5.5. Tanabe Reservoir. (1) Total Capacity: 758 acre-feet approximately. (2) Active Capacity: 758 acre-feet approximately. (3) Dead Storage: 0 acre feet approximately. (4) Approximate Surface Area at the High Water Line: 40 acres approximately. (5) Maximum Depth: 24 feet approximately. 3.7.5.6. North Reservoir Complex Totals. (1) Total Capacity: 17,838 acre-feet approximately. (2) Total Active Capacity: 17,838 acre-feet approximately. (3) Total Dead Storage: 0 acre feet approximately. 3.7.6. North Complex Storage Right – Amounts Made Absolute in Prior Proceedings and Amounts Remaining Conditional. Initial Fill: Absolute: 0 acre-feet. Conditional: 17,747 acre-feet. Total: 17,747 acre-feet. Refill: Absolute: 0 acre-feet. Conditional: 17,747 acre-feet. Total: 17,747 acre-feet. 4. Claim for Finding of Reasonable Diligence. The following activities describe Applicant's efforts to complete the conditional appropriation for the North and South Complex Storage Rights and apply the waters to a beneficial use as conditionally decreed, including expenditures: 4.1. South Complex Storage Right. 4.1.1. Completed annual operations and maintenance including annual dam safety inspections with State Engineer's Office ("SEO") at Miller Dam and survey for movement. 4.1.2. In 2017, Brown and Caldwell provided all labor, materials, and equipment for the North and South Complex Water Quality Improvement Project. The total project cost was approximately \$3,063,000. 4.1.3. In 2021, Jacobs Engineering Group Inc was contracted to perform the North and South Complex Water Quality Study project. The total project cost was approximately \$21,000. 4.1.4. Storage, diversion, and beneficial use of the South Complex Storage Right during the diligence period. 4.2. North Complex Storage Right. The following work, undertaken during the diligence period, was necessary to develop the diversion of water to and from the North Reservoir Complex: 4.2.1. Howe-Haller A Reservoir: 4.2.1.1. Repaired south slope of Howe-Haller A Reservoir that was damaged during a 2023 spring storm. The total project cost was approximately \$71,800. 4.2.2. Dunes Dam and Reservoir. 4.2.2.1. Completed annual operations and maintenance including annual dam safety inspections with the SEO at Dunes Dam and survey for movement. 4.2.2.2. Denver Water began filling Dunes and Tanabe Reservoirs by gravity from the Fulton Ditch in February 2018. 4.2.2.3. In 2017, United Power Inc. provided construction services for required electrical instrumentation and control for Dunes Reservoir valve connection vault operation. The total project cost was approximately \$26,000. 4.2.3. Hazeltine Reservoir: 4.2.3.1. In 2021, Concrete Express, Inc., provided mining services to remove material from Hazeltine Reservoir. The total project cost was approximately \$5,927,000. 4.2.3.2. In 2022, Olsson Associates performed a hydraulic analysis of the Hazeltine Reservoir Spillway. The total project cost was approximately \$14,000. 4.2.3.3. In 2022, Guarantee Electrical Contracting LLC provided estimating, constructability, and value engineering assessment services for the North Complex Hazeltine Pump Station Site Electrical Project. The total project cost was approximately \$2,600. 4.2.3.4. In 2022, Alden Research Laboratory Inc. provided structural and architectural design services for Phase 1 of the North Complex Hazeltine Pump Station and Complex EI&C Project. The total project cost was approximately \$569,000. 4.2.3.5. In 2022, W.W. Wheeler and Associates provided engineering services to design and construct a spillway on the Hazeltine embankment adjacent to the South Platte River. The total project cost was approximately \$241,000. 4.2.3.6. In 2023, Guarantee Electrical Contracting LLC provided all labor, materials, and equipment for the North Complex Hazeltine Pump Station Site Electrical project. The total project cost was approximately \$2,105,000. 4.2.4. Tanabe Reservoir: 4.2.4.1. In 2017, Environmental Logistics provided all labor, materials, and equipment for the Tanabe Reservoir Fencing and Roadway Improvements project. The total project cost was approximately \$373,000. 4.2.5. Work Related to North Reservoir Complex. 4.2.5.1. Storage, diversion and beneficial use of the North Complex Storage Right during the diligence period. 4.2.5.2. In 2017, United Power Inc. provided construction services for required electrical instrumentation and control for the North Reservoir Complex. The total project cost was approximately \$7,000. 4.2.5.3. In 2017, Shannon & Wilson Inc.

provided support for a geotechnical field exploration of the Hazeltine and Howe-Haller B reservoir cells. The total project cost was approximately \$19,000. 4.2.5.4. In 2017, RE Monks Construction LLC provided all labor, materials, and equipment for the Hazeltine/Howe Haller B Reservoirs temporary platform fill slope repair. The total project cost was approximately \$533,000. 4.2.5.5. In 2018, JDR Engineering Inc. provided conceptual level civil, mechanical, and electrical engineering for the Interim Pump Station Study at the North Reservoir Complex. The total project cost was approximately \$32,000. 4.2.5.6. In 2022, Garney Companies LLC provided Phase 1 Design Assistance Contractor Services for the North Reservoir Complex. The total project cost was approximately \$154,000. 4.2.5.7. In 2022, EnSafe Inc. conducted forensic analyses necessary to identify the source of PFAS contamination of groundwater in and around the North Reservoir Complex. The total project cost was approximately \$29,000. 4.2.5.8. In 2022, Carollo Engineers Inc. provided engineering services to estimate the treatment cost for uranium, selenium, and PFAS in a groundwater source. The total project cost was approximately \$61,000. 4.2.5.9. In 2022, HRS Water Consultants Inc. provided hydrogeologic consulting to design a test of the North Reservoir Complex's Mounding Drain. The total project cost was approximately \$135,000. 4.2.5.10. In 2023, Clemson Engineering Hydraulics Inc. provided a scaled physical model of the North Reservoir Complex facility station design to ensure Hydraulic Institute Standard compliance. The total project cost was approximately \$65,000. 4.2.5.11. In 2023, Pinyon Environmental Inc. provided environmental engineering for Mounding Drain Permitting Support at the North Reservoir Complex. The total project cost was approximately \$70,000. 4.2.5.12. In 2023, HRS Water Consultants provided civil and hydraulic engineering for the Mounding Drain Gravity Design Project for the North Reservoir Complex. The total project cost was approximately \$64,000. 4.2.5.13. In 2023, HRS Water Consultants provided hydrogeologic consulting services for the Mounding Drain Gravity Design Project for the North Reservoir Complex. The total project cost was approximately \$110,000. 4.2.5.14. In 2024, United Power Inc. provided construction services for required electrical instrumentation and control for the North Reservoir Complex. The total project cost was approximately \$59,000. 4.2.5.15. Denver Water continues to maintain active sand and gravel mining permits through the Division of Reclamation, Mining, and Safety on an annual basis for the mining operations remaining at the North Reservoir Complex and the Lupton Lakes Complex.

5. Claim to Make Amount Absolute for the North Complex Storage Right. 5.1. North Complex Storage Right. Denver Water claims 3,916.3 acre-feet ABSOLUTE for the North Complex Storage Right initial fill. The amount of 3,916.3 acre-feet was diverted at the Fulton Headgate and placed into storage during two periods in 2018 from February 13th through March 8th and May 24th through June 3rd. The water diverted under the North Complex Storage Right was stored and then used by exchange or directly for the decreed beneficial uses. Denver Water may rely on accounting records of other diversions under the North Complex Storage Right to support its claim to make absolute. Daily data from Denver Water's raw water accounting sheets was reviewed to verify the volume claimed absolute. Specifically, call data, authorized inflow data, and authorized storage data provided on the North Complex Reservoir Operations Accounting sheet used to calculate the volume of water stored in-priority under the North Complex Storage Right. A summary of the accounting is attached as **Exhibit B**.

6. Names and addresses of owners or reputed owners of the land upon which any new diversion or storage structure, or modification to any existing diversion or storage structure is or will be constructed or upon which water is or will be stored, including any modification to the existing storage pool. Denver Water is not proposing any new diversion or storage structures that do not already exist, nor is Denver Water proposing modifications to any existing diversion or storage structure or the existing North and South Complexes. However, Denver Water is providing notice to the following entities because this application relates to certain structures and property in which the following entities may have a property interest. (a) City and County of Denver, Acting by and through its Board of Water Commissioners, 1600 West 12th Avenue Denver, CO 80204 (b) Burlington Ditch, Reservoir and Land Company, 80 South 27th Avenue, Brighton, CO 80601 (c) Farmers Reservoir and Irrigation Company, 80 South 27th Avenue, Brighton, CO 80601 (d) Wellington Reservoir Company, 80 South 27th Avenue, Brighton, CO 80601 (e) Henrylyn Irrigation District, P.O. Box 85, Hudson, CO 80642 (f) Metro Wastewater Reclamation District, 6450 York Street, Denver, CO 80229 (g) South Adams County Water and Sanitation District, 6595 East 70th Avenue, Commerce City, CO 80022 (h) Fulton Irrigating Ditch Company, 25 South

4th Avenue, Brighton, CO 80601 7. Remarks. The use of water diverted or stored under these water rights will be in accordance with the terms of the Colorado River Cooperative Agreement, effective September 26, 2013, or as amended. WHEREFORE, Denver Water requests the Court enter a decree finding Denver Water has exercised reasonable diligence in the development of the North and South Complex Storage Rights described herein, to continue the conditional portions of the North and South Complex Storage Rights water right in full force as decreed, to make 3,916.3 acre-feet of the North Complex Storage Right absolute, and for other such relief as this Court deems just and proper.

CASE NO. 2024CW3121 LOVELAND READY-MIX CONCRETE, INC., PO Box 299, Loveland, CO 80539. Matthew S. Poznanovic, John D. Buchanan, Hayes Poznanovic Korver LLC, 700 17th Street, Suite 1800, Denver, CO 80202. **APPLICATION FOR FINDING OF REASONABLE DILIGENCE IN WELD AND LARIMER COUNTIES.** **Summary of Application:** This application seeks findings of diligence for the conditional water rights associated with Walters Reservoirs Nos. 1 and 2, Bokelman Reservoir, Walters Pits, and the Green and Croissant Pits. 2.1 Date of Original Decree: October 20, 2011, entered in Case No. 09CW105, District Court for Water Division 1 (“09CW105 Decree”). 2.2 Subsequent Decree Awarding Findings of Diligence: August 21, 2018, entered in Case No. 17CW3164, District Court for Water Division 1 (“17CW3164 Decree”). **DESCRIPTION OF CONDITIONAL WATER RIGHTS** **Name of Structures:** Walters Reservoirs Nos. 1 and 2 and Bokelman Reservoir No. 1. **Legal Description of Structures:** Walters Reservoir No. 1 shall be located in the NE1/4SW1/4 of Section 24, T5N, R68W, 6th P.M., Larimer County as shown on Exhibit A. The approximate center of the reservoir is located 2083 feet from the south section line and 2034 feet from the west section line. Walters Reservoir No. 2 shall be located in the NW1/4SE1/4 of Section 24, T5N, R68W, 6th P.M., Larimer County as shown on Exhibit A. The approximate center of the reservoir is located 1651 feet from the south section line, and 1967 feet from the east section line. Bokelman Reservoir No. 1 shall be located in the E1/2SE1/4 of Section 24, T5N, R68W, 6th P.M., Larimer County as shown on Exhibit A. The approximate center of the reservoir is located 910 feet from the south section line, and 790 feet from the east section line. **Legal description of Points of Diversion for Walters Reservoirs Nos. 1 and 2 and Bokelman Reservoir No. 1:** Diversion Point No. 1 shall be located in the NW1/4SE1/4, Section 24, T5N, R68W, 6th PM, Larimer County, Colorado, at a point approximately 2241 feet from the south section line and approximately 1814 feet from the east section line. Diversion Point No. 2 shall be located within the SE1/4, Section 24, T5N, R68W, 6th PM, Larimer County, Colorado. Water tributary to the Reservoirs may also be used to fill the Reservoirs. Each of these points serve as an alternate point of diversion for the other and up to 50 cfs cumulative may be diverted from either or both points of diversion. **Source:** Big Thompson River and water tributary to the Reservoirs. **Appropriation Date:** December 18, 2007. **Amounts:** Walters Reservoir No. 1: 480 acre-feet, conditional. Walters Reservoir No. 2: 160 acre-feet, conditional. Bokelman Reservoir No. 1: 345 acre-feet, conditional. **Rate of Diversion:** 50 cfs. **Size of Reservoirs:** Maximum Height and Length of Dams in Feet: These will be lined gravel pit reservoirs so no dam will be built. **Surface Area:** Walters Reservoir No. 1: approximately 25.2 acres. Walters Reservoir No. 2: approximately 8.7 acres. Bokelman Reservoir No. 1: approximately 17.1 acres. **Total Capacity of Reservoirs.** Walters Reservoir No. 1: 480 acre-feet active/0 acre-feet dead storage. Walters Reservoir No. 2: 160 acre-feet active/0 acre-feet dead storage. Bokelman Reservoir No. 1: 345 acre-feet active/0 acre-feet dead storage. **Uses:** industrial, commercial, reclamation, domestic, piscatorial, fishing, fish culture and propagation, stock watering, wildlife, aesthetic, recreation, irrigation, fire protection, all uses associated with gravel and rock mining including evaporation, dust suppression and production and processing losses, directly, after storage, by exchange or by augmentation, replacement and as a source of substitute supply. The water rights will be used, in part, to replace evaporation from exposed groundwater at these and other sites identified in the 09CW105 Decree. The water may be fully consumed either by first use, successive use or disposition. **Irrigation use:** Up to 100 acres within the Walters and Bokelman Pits site located in the SW1/4 of the NE1/4, the SE1/4, and the E1/2SW1/4, Section 24, T5N, R68W, 6th P.M., Larimer County, Colorado, and the Green and Croissant Pits site located in the NW1/4 and the W1/2 of the NE1/4 of Section 30, T5N, R67W, 6th P.M., Weld County, Colorado as shown on Exhibit B. Irrigation use may be made directly or following storage, or by augmentation of out of priority

depletions resulting from one or more separate diversions made for irrigation use. Domestic and commercial uses will occur at the Walters and Bokelman Pits site, and the Green Pits site. Domestic and commercial uses may be made directly or following storage, or by augmentation of out of priority depletions resulting from one or more separate diversions made for domestic and commercial uses. Industrial, reclamation, piscatorial, fishing, fish culture and propagation, stock watering, wildlife, aesthetic, recreation, fire protection, all uses associated with gravel and rock mining including evaporation, dust suppression and production and processing losses, directly, after storage, or by augmentation of out of priority depletions resulting from one or more separate diversions for these uses, will occur at the Walters and Bokelman Pits site and the Green and Croissant Pits site, and such uses may occur by augmentation of out of priority depletions resulting from one or more separate diversions for these uses at the Dunn site located in the NE1/4 of Section 3, T4N, R67W and the SW1/4 of the SE1/4 of Section 34, T5N, R67W, 6th P.M., Weld County, Colorado as shown on Exhibit B. **Name of Structures:** Green and Croissant Pits and Walters Pits. **Legal Description of Structures:** Walters Pits: includes lands located within the exterior boundary of DRMS Permit No. M-2006-080 at the Walters and Bokelman Pits site located in the SW1/4 of the NE1/4, the SE1/4, and the E1/2SW1/4, Section 24, T5N, R68W, 6th P.M., Larimer County, Colorado as shown on Exhibit A, but excluding Walters Reservoir Nos. 1 and 2 and Bokelman Reservoir No. 1 once liners are approved. Upon completion of mining at the Walters and Bokelman Pits site, the final number of unlined pits at this site may be more than the currently planned one unlined gravel pit but the total exposed surface area for the unlined Walters Pits and Green and Croissant Pits shall not exceed a total exposed area of 58.7 acres. Green and Croissant Pits: includes lands located within the exterior boundary of DRMS Permit No. M-2001-022 at the Green and Croissant Pits site located in the NW1/4 and the W1/2 of the NE1/4 of Section 30, T5N, R67W, 6th P.M., Weld County, Colorado, as shown on Exhibit A. Upon completion of mining at this site, the final number of unlined pits at the Green and Croissant Pits site may be more or less than the currently planned eight unlined gravel pits but the total exposed surface area for the unlined Walters Pits and Green and Croissant Pits shall not exceed a total exposed area of 58.7 acres. **Source:** Ground water tributary to the Big Thompson River. **Appropriation Dates:** Walters Pits: December 18, 2007. Green and Croissant Pits: November 30, 2002. **Amounts:** Mining and processing of mining products, concrete production, and dust suppression: Walters Pits: 35 acre-feet per year. Green and Croissant Pits: 35 acre-feet per year. The cumulative amount for mining and processing of mining products, concrete production and dust suppression uses made at the Walters Pits and the Green and Croissant Pits shall not exceed 35 acre-feet per year. Reclamation and replacement of evaporative depletions: Walters Pits: 145 acre-feet per year. Green and Croissant Pits: 145 acre-feet per year. The cumulative amount for reclamation and replacement of evaporative depletions made at the Walters Pits and the Green and Croissant Pits shall not exceed 145 acre-feet per year. **Uses:** reclamation, piscatorial, recreation, fish propagation and all uses associated with gravel and rock mining, including evaporation, dust suppression and production and processing losses, as well as replacement of evaporation from exposed ground water at the sites. After completion of mining at the sites, Applicant will continue to use its processing plant to process material mined from other properties. **CLAIM FOR FINDING OF REASONABLE DILIGENCE** This Application for Finding of Reasonable Diligence is filed pursuant to the Water. Right Determination and Administration Act of 1969, C.R.S. § 37-92-302. During this diligence period, since entry of the 17CW3164 Decree, in continuing the development of the conditional water rights, Applicant has been engaged in the legal defense and protection of said water rights and has been diligent in the continued use and development of the water rights involved. These activities include, but are not limited to, the following: Applicant has continued to operate and collect data from two augmentation stations. One station monitors water delivery from the Bokelman Headgate on the Hillsborough Ditch to the future site of Bokelman Reservoir No. 1. The other station tracks water delivery from the Walters Primary Headgate on the Hillsborough Ditch to the future sites of Walters Reservoirs Nos. 1 and 2. Both stations feature 12-inch Parshall flumes, Sutron Stage Discharge Recorders, and solar panels. Between January 1 and March 31, 2022, additional telemetry upgrades were completed on these augmentation stations. Campbell Scientific Modems, new antennas, and a cellular module were installed to enable remote data transmission from the Sutron Stage Discharge Recorders via two Verizon SIM cards. A Texas Electronics rain gauge was also

added, and the Loggernet program was updated to integrate these enhancements. The total cost for these telemetry upgrades, including the rain gauge, was \$4,480.05, plus ongoing monthly charges for the SIM cards. Mining activities within the Walters lined cells, part of Phase I of the DRMS Bokelman Walters permit (M2006-080), are ongoing. Cells 1, 2, and 4 have been fully mined, with mining operations now focused on Cell 3. Applicant has initiated the process of securing the engineering required for the slurry wall installation in Phase II. Applicant prepared daily augmentation accounting, and monthly reports submitted to the Office of the Division Engineer. Annual reporting is also submitted to the DRMS as required by reclamation permit M2006-080. During the diligence period, legal counsel for Applicant has reviewed the resume of applications as published by the Water Clerk for Water Division 1 and advised Applicant whether Statements of Opposition need to be filed to protect the water rights. Protection of water rights by opposition to a water court application for change of water rights and plan for augmentation. Applicant worked with its legal and engineering consultants to file an application in Case No. 22CW3218, Water Division 1, to obtain adjudication of a plan for augmentation to replace out-of-priority depletions from mining operations at the Dunn Site located in the NE1/4 of Section 3, Township 4 North, Range 67W and the SW1/4 of the SE1/4 of Section 34, Township 5 North, Range 67W of the 6th P.M., Weld County. The Walters Reservoirs Nos. 1 and 2 and the Bokelman Reservoir No. 1 conditional water rights are included as replacement water supplies in the Case No. 22CW3218 application. The work and expenditures listed above are illustrative and not exhaustive. Additional work and additional or revised expenditures may be claimed in support of this application. Name and address of the owner or reputed owner of the land upon which any new diversion or storage structure or modification to any existing diversion or storage structure is or will be constructed, or upon which water is or will be stored, including any modification to the existing storage pool. Not applicable. Applicant does not seek a new diversion or storage structure, or modification of an existing diversion or storage structure. Applicant is the owner of land upon which storage structures for the Reservoir water rights are decreed to be located. WHEREFORE, Applicant requests that this Court enter a decree finding that Applicant has exercised reasonable diligence in the development of the conditional water rights, continuing the conditional water rights, and for such other and further relief as this Court deems just and proper in the premises. 9 Pages.

CASE NO. 2024CW3122 LOGAN WELL USERS, INC., P.O. Box 1172, Sterling, Colorado, 80751, Lawrence Custer Grasmick Jones & Donovan, LLP Attorneys for Applicant, Logan Well Users, Inc. Ryan M. Donovan, #44435 **APPLICATION TO MAKE CONDITIONAL WATER RIGHTS PARTIALLY ABSOLUTE, FOR FINDING OF REASONABLE DILIGENCE AND TO CONTINUE CONDITIONAL WATER RIGHTS IN LOGAN, MORGAN, AND WASHINGTON COUNTIES.** 2. Previous Decrees: Case No. 18CW3005, Water Division No. 1, decree entered August 16, 2018 (“Original Decree”). 3. Groundwater Rights: The following conditional groundwater rights were adjudicated in the Original Decree. The water rights which are described in this Application are part of Applicant’s integrated system as defined in C.R.S. § 37-92-301(4)(b), which integrated system is generally referred to as the “Logan Augmentation Plan,” which was decreed in Case No. 03CW195. 3.1. Name of Structure. Kenneth Fritzler Well (Permit No. 53734, LWU No. 495). 3.1.1. Owner. Kenneth Fritzler, 11520 CR 37, Sterling, Colorado 80751. 3.1.2. Location. In the NW1/4 SW1/4 of Section 6, Township 7 North, Range 52 West of the 6th P.M., Logan County Colorado, 2790 feet from the South section line and 150 feet from the West section line of said Section 6. 3.1.3. Appropriation Date. December 14, 2017. 3.1.4. Amount. 22 g.p.m., conditional. 3.1.5. Source. Groundwater tributary to the South Platte River. 3.1.6. Use. Residential and shop, 1 acre of home lawn and garden irrigation, domestic animal and livestock watering. 3.2. Name of Structure. Sexton Well (LWU No. 496). 3.2.1. Owner. John D. and Lacey M. Sexton, 16430 CR 39 Sterling Colorado, 80751. 3.2.2. Location. In the NW1/4 SW1/4 of Section 8, Township 8 North, Range 52 West of the 6th P.M., Logan County Colorado, 2,505 feet from the South section line and 220 feet from the West section line of said Section 8. 3.2.3. Appropriation Date. December 14, 2017. 3.2.4. Amount. 15 g.p.m., conditional. 3.2.5. Source. Groundwater tributary to the South Platte River. 3.2.6. Use. Residential, 1 acre of home lawn and garden irrigation, domestic animal and livestock watering. 3.3. Name of Structure. Pratt Well (Permit No. 193060, LWU No. 497). 3.3.1. Owner. Britt and Morgan Pratt, 4567 CR 25 Merino,

Colorado, 80741. 3.3.2. Location. In the NE1/4 NE1/4 of Section 12, Township 6 North, Range 54 West of the 6th P.M., Logan County Colorado, 753 feet from the North section line and 342 feet from the East section line of said Section 12. 3.3.3. Appropriation Date. December 14, 2017. 3.3.4. Amount. 15 g.p.m., conditional. 3.3.5. Source. Groundwater tributary to the South Platte River. 3.3.6. Use. Residential (up to 3 single family dwellings), 1 acre of home lawn and garden irrigation, domestic animal and livestock watering. 3.4. Name of Structure. Colorado Endoscopy Services Inc., Well (LWU No. 498). 3.4.1. Owner. Colorado Endoscopy Services Inc., 11905 CR 5 Merino, Colorado, 80741. 3.4.2. Location. In the NE1/4 NE1/4 of Section 5, Township 7 North, Range 55 West of the 6th P.M., Logan County Colorado, 588 feet from the North section line and 715 feet from the East section line of said Section 5. 3.4.3. Appropriation Date. December 14, 2017. 3.4.4. Amount. 35 g.p.m., conditional. 3.4.5. Source. Groundwater tributary to the South Platte River. 3.4.6. Use. Commercial uses associated with a feedlot operation, stock watering and fire protection. 3.5. Name of Structure. PVRE Pit #1 (LWU No. 499). 3.5.1. Owner. Platte Valley Real Estate LLC, 116 Spruce Road Sterling Colorado, 80751. 3.5.2. Location. In the SW1/4 NW1/4 of Section 33, Township 8 North, Range 52 West of the 6th P.M., Logan County Colorado, the centroid of the pit is located 2,350 feet from the North section line and 1,090 feet from the West section line of said Section 33. 3.5.3. Appropriation Date. December 14, 2017. 3.5.4. Amount. 40 acre-feet, conditional. 3.5.5. Source. Groundwater tributary to the South Platte River. 3.5.6. Use. Industrial uses associated with a gravel pit. 4. Outline of What Has Been Done Toward Completion. 4.1 The Diligence period for the conditional rights that are the subject of this Application is August 16, 2018 to August 31, 2024. 4.2. During the diligence period, Logan made annual projections and conducted annual accounting for the Logan Augmentation Plan pursuant to the terms of the decree entered in Case No. 03CW195, and Logan operated the Logan Augmentation Plan, including delivering water to recharge ponds and ensuring replacement of out-of-priority depletions. 4.3. During the diligence period, Logan filed statements of opposition in the following cases: Dixie Water, 18CW3237, BennT Creek Regional Water Authority and SP Regional Water Company, LLC, 20CW3215, and the Harmony Ditch Company, 23CW3102. 4.4. During the diligence period, Logan filed numerous water court applications, including in case Nos. 18CW3227, 20CW3030, 20CW3166, 20CW3205, 23CW3098, 23CW3116, and 23CW3133. 4.5. During the diligence period Logan has expended funds to install well telemetry, for certification of well meters, for reading of well meters, and maintenance of recharge ponds. In addition, Logan has expended approximately \$400,000 in legal, engineering, and administrative services during the diligence period. 5. Claims To Make Partially Absolute and for Finding of Reasonable Diligence Pursuant to C.R.S. § 37-92-301(4). Logan’s consultant Spronk Water Engineers, Inc. reviewed the State Engineer diversion records and Logan’s records to determine the diversions made pursuant to the conditional water rights described above. Applicant seeks a decree approving the amounts of each water right as absolute, as described in this ¶ 5.1-5.3. The conditional water rights amounts set out in ¶ 3.1 - 3.5 above not made absolute in this matter should remain conditional. As described above, the water rights set out in this Application are part of an integrated system, the Logan Augmentation Plan. Applicant’s water rights and recharge projects and each of the water rights and structures which will provide augmentation, substitution, replacement, and exchange supplies under the decree entered in this matter and Logan’s other decrees collectively comprise an integrated system of water rights and structures under C.R.S. § 37-92-301(4)(b). Work performed and effort or costs expended by Applicant on any water rights or structures which are part of its integrated water system should be considered in finding that reasonable diligence has been shown in the development of water rights for all features of the system as provided in C.R.S. § 37-92-301(4)(b). 5.1. Kenneth Fritzler Well (Permit No. 53734, LWU No. 495). 22.3 g.p.m. (0.050 c.f.s.) was diverted on August 14, 2024. The entire decreed pumping rate of 22.0 g.p.m. (0.049 c.f.s.) should be made absolute. 5.2. Pratt Well (Permit No. 193060, LWU No. 497). 15 g.p.m (0.033 c.f.s.) was diverted on October 1, 2019. The entire decreed pumping rate of 15 g.p.m. (0.033 c.f.s.) should be made absolute. 5.3. Colorado Endoscopy Services Inc., Well (LWU No. 498). 15 g.p.m (0.033 c.f.s.) was diverted on September 19, 2018 and should be made absolute. 6. Names and addresses of owners of the Structures. The names and addresses of the owners of the structures are set out above. 7. WHEREFORE, Applicant requests the Court enter a decree finding that Applicant has satisfied the statutory standard of steady application of effort to complete the appropriations described

above in a reasonably expedient and efficient manner under all the facts and circumstances, that reasonable diligence was performed during the diligence period in the development of the conditional water rights, that a portion of the water rights should be made absolute as described herein, and that the remaining conditional portion of the water rights, or the full amount of the water rights as the case may be, should continue. This document consists of 6 pages.

CASE NO. 2024CW3123 (2017CW3093) CITY OF STERLING (Sterling), c/o Kevin L. Blankenship, City Manager, P.O. Box 4000, Sterling, CO 80751, (970) 522-9700. Please direct all court filings and all communications to the attorneys for The City of Sterling, Colorado: Alan E. Curtis, Nicoli R. Bowley, Bryan T. Stacy, CURTIS, JUSTUS, & ZAHEDI, LLC, 1333 W. 120th Ave., Suite 302, Westminster, Colorado 80234. Tele: (303) 595-9441. Email: alanc@cjzwaterlaw.com, nicolib@cjzwaterlaw.com, bryans@cjzwaterlaw.com. **APPLICATION TO MAKE CONDITIONAL WATER RIGHTS ABSOLUTE OR, IN THE ALTERNATIVE, FOR FINDINGS OF REASONABLE DILIGENCE IN LOGAN, MORGAN AND WASHINGTON COUNTIES, COLORADO.** 2. BACKGROUND. The August 14, 2018 decree in Case No. 17CW3093, Water Division 1 (17CW3093 Decree) confirmed a water right for the Rothe Sand and Gravel Pit (Rothe Pond) in the amount of 6.0 acre-feet per year (2.78 acre-feet per year, absolute; 3.22 acre-feet per year, conditional) (Rothe Pond Water Right). The 2.78 acre-feet per year of the Rothe Pond Water Right previously confirmed as absolute by the 17CW3093 Decree is not at issue in this case. 3. SUMMARY OF APPLICATION. Sterling’s application in this case (the Application) seeks a decree confirming a total of 5.42 acre-feet of the Rothe Pond Water Right has been made absolute for all decreed purposes and the remaining 0.58 acre-feet per year of the Rothe Pond Water Right is abandoned, and no further diligence filings for the Rothe Pond Water Right are required (collectively, Sterling’s Absolute Claims) If the Court does not confirm Sterling’s Absolute Claims, Sterling requests that the entire 3.22 acre-feet per year of the Rothe Pond Water Right remaining conditional is continued for all decreed purposes for an additional diligence period (Sterling’s Diligence Claim). 4. DESCRIPTION OF ROTHE POND WATER RIGHT. a. Name of Structure. Rothe Sand and Gravel Pit. b. Original Decree. 17CW3093 Decree. c. Location. NE1/4 SW1/4 of Section 33, Township 8 North, Range 52 West of the 6th P.M., Logan County, Colorado (UTM Coordinates: NAD 1983 Zone 13N 652655.1mE 4497631.2mN). d. Source. Groundwater tributary to the South Platte River. e. Amount. 3.22 acre-feet per year, (conditional); 2.78 acre-feet per year (absolute). f. Appropriation Date. June 30, 2017. g. Uses. Fish and wildlife propagation and preservation, public fishing, piscatorial, aesthetic and recreation. All uses will be made in place at the Rothe Pond. At times when the Rothe Pond Water Right is not in priority, depletions from the Rothe Pond are replaced by the augmentation plan approved in the 17CW3093 Decree (17CW3093 Augmentation Plan). 5. CLAIM TO MAKE ROTHE POND WATER RIGHT ABSOLUTE. a. Statutory Authority. C.R.S. § 37-92-301(4)(e) states “[a] decreed conditional water storage right shall be made absolute for all decreed purposes to the extent of the volume of the appropriation that has been captured, possessed, and controlled at the decreed storage structure.” b. Factual Bases for Request. As of May 2019, Sterling expanded the Rothe Pond to its maximum decreed surface area of 1.34 acres, which has resulted in a maximum depletion of 5.42-acre feet per year. See Rothe Pond General Location Map attached as EXHIBIT A. Per the monthly accounting submitted by Sterling to the Division of Water Resources, the 5.42 acre-feet per year of depletions have either been in-priority or have been replaced under the 17CW3093 Augmentation Plan. See 2023 Rothe Pond accounting form (EXHIBIT B). c. Requested Relief. Based on C.R.S. § 37-92-301(4)(e) and the factual bases detailed above, Sterling requests that the Court approve Sterling’s Absolute Claims. If the Court does not approve Sterling’s Absolute Claims, Sterling requests that the Court approve Sterling’s Diligence Claim based on the actions and expenditures described in Section 6 below. 6. STERLING’S DILIGENCE CLAIM. a. Diligence Period. The diligence period for the Rothe Pond Water Right was from August 14, 2018, the date the 17CW3093 Decree was entered, through August 31, 2024 (Diligence Period). b. Sterling’s Water Supply System. Sterling operates a complex integrated water and wastewater system to divert, treat and deliver potable water to its municipal users, supply public parks and other open spaces owned by Sterling, augment depletions from Sterling’s wells and treat, dispose of and recharge water following its initial use. c. Sterling’s Integrated Water Supply. Sterling’s water

system, including the Rothe Pond Water Right, Sterling's municipal well system, distribution, delivery, collection and treatment systems, and the water rights and structures which provide augmentation and replacement supplies for the municipal well system comprise an integrated water supply. This has been confirmed by decrees entered in the following Division 1 Water Court cases: (i) 19CW3012 (July 26, 2019) (19CW3012 Decree); (ii) 18CW3068/18CW3069 (October 1, 2018) (18CW3068/18CW3069 Decree); (iii) 05CW23 (January 10, 2013) (05CW23 Decree); (iv) 10CW75 (April 13, 2012); (v) 09CW269 (April 13, 2012); and (vi) 02CW201 (February 24, 2004). Work performed and effort or costs expended on or in connection with the Rothe Pond Water Right shall be considered in finding that reasonable diligence has been shown in the development of water rights for all features of the system as provided by C.R.S. § 37-92-301(4)(b). d. Activities and Expenditures. During the Diligence Period, Sterling, with the assistance of Curtis, Justus, & Zahedi, LLC, BBA Water Consultants, Inc., and other consultants, completed activities and expended funds exceeding SEVEN MILLION THREE HUNDRED THOUSAND DOLLARS (\$7,300,000.00). These actions and expenditures confirm Sterling's steady and diligent effort to complete the appropriation of the Rothe Pond Water Right and include: i. Expansion of the Rothe Pond. As discussed above, Sterling expanded the Rothe Pond to its maximum decreed surface area of 1.34 acres. ii. Sterling Wastewater Recharge Storage System (SWRSS). Sterling (1) delivered water to the SWRSS and placed water to use for decreed purposes; (2) operated and maintained the SWRSS facilities, including the Sterling Wastewater Treatment Plant and the SWRSS recharge ponds and conveyance facilities; and (3) accounted for SWRSS operations, diversions to recharge and accretions to the South Platte River resulting from the recharge diversions. iii. Water Court Applications. Sterling obtained the 19CW3012 Decree and the 18CW3068/18CW3069 Decree from the Division 1 Water Court to protect and expand its existing water rights, including the Rothe Pond Water Right: (1) The 18CW3068/18CW3069 Decree confirmed absolute water rights and findings of reasonable diligence for portions of the conditional water rights: (a) for the SWRSS, originally confirmed by the March 31, 1981 decree in Case No. W-9507-78; and (b) confirmed by the December 31, 2003 Decree in consolidated Case Nos. 98CW450 and 00CW253. (2) The 19CW3012 Decree confirmed absolute water rights and findings of reasonable diligence for portions of the conditional water rights confirmed by the 05CW23 Decree. iv. Accounting. Sterling prepared and submitted accounting and projections required for operations under the 05CW23 Decree and for the Rothe Pond Water Right under the 17CW3093 Decree. v. Protection of Water Rights. Sterling protected its water rights, including the Rothe Pond Water Right, by: (1) Reviewing Division 1 Water Court resumes and substitute water supply plan notices to identify applications requiring opposition; (2) Filing statements of opposition in Water Division 1 Case Nos. 19CW3253, 20CW3113; 20CW3166, 20CW3215, 21CW3122, 21CW3125, 21CW3185, and 24CW3041; (3) Entering into stipulations in Water Division 1 Case Nos. 13CW3144; 17CW3178; 17CW3179; 17CW3218; 18CW3005; 20CW3166; and 21CW3122. (4) Participating in trial in Water Division 1 Case No. 20CW3113, including an appeal to the Colorado Supreme Court in Case No. 23SA258. vi. Operation, Maintenance and Improvement of Sterling's Water System. In addition to the specific activities discussed above, with the assistance of its engineering consultants, Sterling has undertaken substantial efforts to operate, maintain, improve and extend its overall water system and water rights portfolio to meet the requirements of its municipal users and its own public uses. 7. REQUESTED RULING. Sterling respectfully requests: (a) the Water Court enter a decree approving Sterling's Absolute Claims; (b) if the Water Court does not approve Sterling's Absolute Claims, that the Water Court approve Sterling's Diligence Claim; and (c) that the Water Court grant such other and further relief as it deems appropriate. 8. NAMES AND ADDRESSES OF OWNERS OR REPUTED OWNERS OF LAND UPON WHICH STRUCTURES ARE LOCATED. a. Sterling is the owner of all lands on which any portion of the Rothe Pond is located. (6 pages, 2 exhibits)

CASE NO. 2024CW3124 RICHARD WILLIAMS, 100 Singin River Ranch Road, Evergreen, Colorado 80439; Email: rowilliams109@gmail.com; Telephone Number: 720-218-4341. Please direct all correspondence concerning this Application to: Aaron Ladd, Esq. and Robyn L. Smith, Esq., Vranesh and Raisch, LLP, 5303 Spine Road, Suite 202, Boulder, CO 80301; Email: asl@vrlaw.com; rls@vrlaw.com; Telephone: (303) 443-6151. **APPLICATION FOR CHANGE OF WATER RIGHT IN CLEAR**

CREEK COUNTY. 2. Decreed water right for which change is sought: a. Name of Structure: Hicks No. 1 Ditch. b. Original Decree: Hicks No. 1 Ditch was decreed in C.A. 91471 dated September 24, 1935, by the District Court of the Second Judicial District of the State of Colorado and certified by the court clerk on January 28, 1936. c. Legal Description of Hicks No. 1 Ditch: Hicks No. 1 Ditch's headgate is located on the south bank of Bear Creek in the NE1/4 of the NE1/4 of Section 16, Township 5 South, Range 72 West, in Clear Creek County Colorado, at a point whence the northeast corner of said section bears north 53° 22' east 358 feet. The ditch has a northeasterly course. d. Source of Water: The source of water for Hicks No. 1 Ditch is Bear Creek. e. Date of Appropriation: There are three absolute priorities decreed to Hicks No. 1 Ditch, which appropriations may be used separately according to their several amounts and priorities. i. Ditch Irrigation Priority No. 74: June 1, 1881. ii. Ditch Domestic Priority No. 45: June 1, 1881. iii. Ditch Domestic Priority No. 129: June 1, 1924. f. Amount Claimed: i. Ditch Irrigation Priority No. 74: 1 cfs. ii. Ditch Domestic Priority No. 45: 0.25 cfs. iii. Ditch Domestic Priority No. 129: 1.23 cfs. g. Decreed Uses: i. Ditch Irrigation Priority No. 74 is decreed for irrigation uses. ii. Ditch Domestic Priority No. 45 is decreed for domestic purposes, including the watering of livestock. iii. Ditch Domestic Priority No. 129 is decreed for the purpose of supplying fresh water to fish ponds of claimant. The original decree determined that this use is non-consumptive provided that the water, after flowing through the fish ponds, is returned to the stream. h. Amount of water that applicant intends to change: i. Ditch Irrigation Priority No. 74: 1 cfs. ii. Ditch Domestic Priority No. 45: 0.25 cfs. iii. Ditch Domestic Priority No. 129: 1.23 cfs. 3. Proposed change: a. Applicant seeks to add an alternate point of diversion (Hicks No. 1 Ditch Alternate Point, WDID 0900955) to divert the Hicks No. 1 Ditch water right in priority for all previously decreed uses including irrigation, domestic including the watering of livestock, and supplying fresh water to fish ponds of the claimant. Hicks No. 1 Ditch Alternate Point is needed because, in 2013, the Hicks No. 1 Ditch diversion structure became unusable due to a flood event. The Division of Water Resources approved the temporary use of the Hicks No. 1 Ditch Alternate Point in Substitute Water Supply ("SWSP") Plan ID 9387. Applicant now seeks a decree to allow for the permanent use of Hicks No. 1 Ditch Alternate Point. Hicks No. 1 Ditch Alternate Point is located approximately 0.8 stream miles downstream from the originally decreed point of diversion. The Colorado Water Conservation Board holds a Bear Creek instream flow water right, decreed in Case No. 94CW258, which includes the reach of Bear Creek between the originally decreed Hicks No. 1 Ditch point of diversion and Hicks No. 1 Ditch Alternate Point. Applicant's Diversion of the Hicks No. 1 Ditch water right at Hicks No. 1 Ditch Alternate Point should benefit the instream flow right and improve overall stream health by leaving water in the reach of Bear Creek between the original and alternate diversion points and avoiding ditch losses that would otherwise occur. No expansion of use will occur because no change in place of use or type of use is requested. b. Alternate Point of Diversion: The alternate point of diversion (Hicks No. 1 Ditch Alternate Point, WDID 0900955) is a point in the SW1/4 of the SE1/4 of Section 10, Township 5 South, Range 72 West of the 6th P.M. at approximately UTM coordinates: 462796 Easting and 4386174 Northing, UTM Zone 13, NAD83. The alternate point of diversion and Applicant's fish pond are shown on the map attached as **Exhibit A**. 4. Names and address of owners or reputed owners of the land upon which any new diversion or storage structure, or modification to any existing diversion or storage structure is or will be constructed or upon which water is or will be stored, including any modification to the existing storage pool: Applicant. WHEREFORE, the Applicant requests that this Application be granted as requested herein, and for such other and further relief as the court deems appropriate under the circumstances. (6 pgs., 1 Exhibit)

CASE NO. 2024CW3125 Applicant: **GROUNDWATER MANAGEMENT SUBDISTRICT OF THE CENTRAL COLORADO WATER CONSERVANCY DISTRICT**, 3209 West 28th Street, Greeley, CO 80634, 970-350-4540 with all correspondence herewith being sent to David P. Jones, Lawrence Custer Grasmick Jones & Donovan, LLP., 5245 Ronald Reagan Blvd., Suite 1. Johnstown, CO 80534, 970-622-8181. **APPLICATION TO MAKE ABSOLUTE AND FOR FINDING OF REASONABLE DILIGENCE IN WELD COUNTY**. 2. Name of Structure: Heinz Well No. 2 Supplemental. 2. Owner: Yoshi & Suzu, LLLP, P.O. Box 508, Brighton, Colorado 80601. 2.2. Previous Decree: Case No. 17CW3188, Weld County District Court Water Division 1, entered August 14, 2018. 2.3. Location: In the

SW1/4 NW1/4, Section 20, Township 1 North, Range 65 West of the 6th P.M., Weld County, Colorado at a point 1334 feet South and 53 feet East of the NW corner of said Section 20. See Figure 1, Exhibit 1. 2.4. Source: Groundwater tributary to the South Platte River. 2.5. Appropriation Date: October 17, 2017. 2.6. Amount: 2.667 c.f.s, conditional. 2.7. Use: Irrigation of 130 acres in the NW1/4 Section 20, Township 1 North, Range 65 West of the 6th P.M., Weld County, Colorado. 3. Outline of What Has Been Done Toward Completion During the Diligence Period: During the diligence period, Heinz Well No. 2 Supplemental was diverted for irrigation uses and operated under Applicant's plan for augmentation decreed in Case No. 02CW335. The maximum rate of diversion during the diligence period was 1.89 c.f.s. 4. Claim to Make Absolute in Part and for Finding of Reasonable Diligence. Pursuant to §37-92-304 C.R.S., Applicant seeks to make the subject groundwater right absolute in the amount of 1.89 c.f.s. and seeks a finding that it has been reasonably diligent in the development of the conditional water right and to maintain the balance of .777 c.f.s. as conditional. The original application consists of 2 pages.

THE WATER RIGHTS CLAIMED BY THESE APPLICATIONS MAY AFFECT IN PRIORITY ANY WATER RIGHTS CLAIMED OR HERETOFORE ADJUDICATED WITHIN THIS DIVISION AND OWNERS OF AFFECTED RIGHTS MUST APPEAR TO OBJECT WITHIN THE TIME PROVIDED BY STATUTE OR BE FOREVER BARRED.

YOU ARE HEREBY NOTIFIED that any party who wishes to oppose an application, or an amended application, may file with the Water Clerk, P. O. Box 2038, Greeley, CO 80632, a verified Statement of Opposition, setting forth facts as to why the application should not be granted, or why it should be granted only in part or on certain conditions. Such Statement of Opposition must be filed by the last day of **OCTOBER 2024** (forms available on www.courts.state.co.us or in the Clerk's office), and must be filed as an Original and include **\$192.00** filing fee. A copy of each Statement of Opposition must also be served upon the Applicant or Applicant's Attorney and an affidavit or certificate of such service of mailing shall be filed with the Water Clerk.